

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

SEPTEMBER 13, 2005

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Brizzi and Commissioner Sturtz. Also in attendance were Industry Liaison Okey, Superintendent Huskey and Executive Secretary Choe.

Lisa Goldner of Bose McKinney and Evans, John Barnett, Jeff McKean, and Grant Monahan of IRC were present as observers.

#### DISPOSITION OF MINUTES

Vice Chairperson Brizzi moved to approve the minutes submitted for the August 16, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Vice Chairperson Brizzi moved to approve the PAD forms submitted for the September 13, 2005 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

Five hundred seventy-seven (577) renewals approved, eighty-three (83) new and/or transfer permits approved, eighteen (18) permits approved for catering, ten (10) permits approved for first year escrow, one (1) permit approved for second year escrow and one (1) permit approved for third year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairperson Brizzi moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR49-19184 SOL ENTERTAINMENT, INC., D/B/A TROPICANA – Chairman Heath noted this is a type 209 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR28-21768 TERRY GILMORE, D/B/A GRIP'S PIZZA – Chairman Heath noted this is a new type 209 application with the local board voting two (2) to one (1) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR53-21767 BLOOMINGTON ANTIQUE MALL, INC., D/B/A GREENBRIER ROOM – Chairman Heath noted this is a new type 303 application with the local board voting three (3) to zero (0) to approve.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR82-21739 METRO SPORTS CENTER - Chairman Heath noted the applicant filed for a type 112 permit, but the location is outside the city limits. Permit needs to be converted to a type 111 permit.

Vice Chairperson Brizzi moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR82-21738 MADELEINE'S - Chairman Heath stated the applicant filed for a type 112 permit. The commission converted this to a type 111 permit, in error. Permit needs to be converted back to a type 112 permit.

Vice Chairperson Brizzi moved to approve this request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC71-19065 VETERANS OF FOREIGN WARS POST 9733 – Chairman Heath noted this is a type 211-4 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC20-04015 LOYAL ORDER OF MOOSE 836 – Chairman Heath noted this is a type 211-4 renewal application with the local board voting three (3) to one (1) to approve for one (1) year.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR43-02891 NIGHT SHIFT OF NORTH WEBSTER, D/B/A STIMMELATORS GENTLEMEN'S CLUB – Chairman Heath noted this is a type 210 transfer of stock application with the local board voting three (3) to one (1) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR46-08657 SANTIAGO'S DOS, INC. – Chairman Heath noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Vice Chairperson Brizzi moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **INACTIVE FILES**

Chairman Heath stated there are twenty-eight (28) permits to be made inactive. Twenty-six (26) permits are not subject to auction and two (2) permits are subject to auction.

Vice Chairperson Brizzi moved to make these permits inactive. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

RR02-21884 RUTH DOAN, DL-19-21300 WAL-MART STORES EAST LP - Chairman Heath noted appeals were filed.

### **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

No New Business

## **POLICY DETERMINATIONS**

No Policy Determinations

## **UNDER ADVISEMENT**

Nothing Under Adviseement

## **ANNOUNCEMENTS**

2005 PERMIT AUCTION – Chairman Heath stated the 2005 permit auction is scheduled November 2, 2005 at 11:00 a.m.

## **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Vice Chairperson Brizzi and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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DAVE HEATH, CHAIRMAN

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MELANIE BRIZZI, VICE CHAIRPERSON

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DALE STURTZ, COMMISSIONER